



E-Filed on 11/19/07

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## Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

## USA COMMERCIAL MORTGAGE COMPANY,

## USA CAPITAL REALTY ADVISORS, LLC,

USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
LLC,

## USA CAPITAL FIRST TRUST DEED FUND, LLC,

USA SECURITIES, LLC,

USA SECURITIES, LLC,

## Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Partial Objection of USACM Trust To  
Hermaine and Seymour Hinden Living Trust  
DTD 2/22/00 Claim Filed in Wrong Debtor's  
Case and Disallowed as to USACM**

Hearing Date: December 20, 2007  
Hearing Time: 9:30 a.m.

Hermaine and Seymour Hinden Living Trust DTD 2/22/00 ("Hinden Trust") filed Proof of Claim No. 10725-00953 )(the "Claim") against USA Commercial Mortgage Company ("USACM") in the amount of \$40,000.00. The Hinden Trust filed the Claim without supporting documentation. In response to an August, 30 2007 inquiry for more information, the Hinden Trust supplied supporting documentation, including a November 15, 2004 "portfolio summary" showing a \$10,000 investment in USA Capital First Trust Deed Fund, LLC ("FTDF").



1        The USACM Liquidating Trust (the "USACM Trust") objects to the Claim to the  
2 extent it is based upon an investment in FTDF (\$10,000). This objection is made pursuant  
3 to Bankruptcy Code section 502, Federal Rule of Bankruptcy Procedure 3007, and Local  
4 Rule of Bankruptcy Practice 3007. Any claim on account of his investment in FTDF is  
5 derivative of FTDF's claims against USACM. Under a settlement approved by the Court  
6 on June 12, 2007, all such FTDF claims were settled, with FTDF holding a \$7.0 million  
7 allowed general unsecured claim and beneficial interest in the USACM Liquidating Trust.  
8 The equity interest holders in FTDF will share in any recovery on account of that claim.  
9

10      The USACM Trust has confirmed that the Hinden Living Trust holds a \$20,000  
11 equity interest in the FTDF estate. This objection will not affect that equity interest.  
12

13      Accordingly, the USACM Trust respectfully requests that the Court disallow  
14      \$10,000 from Proof of Claim No. 10725-00953 because that portion of the claim is based  
15      upon an investment in FTDF and therefore should not be allowed against USACM.  
16

17      Dated: November 19, 2007.  
18

19      By: /s/ Rob Charles (#006593)  
20      Susan M. Freeman  
21      Rob Charles  
22      John C. Hinderaker  
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28      *Counsel for USACM Liquidating Trust*



1 Copy of the foregoing mailed on  
2 November 19, 2007 to:

3 Hermaine and Seymour Hinden Living Trust  
4 DTD 2/22/00  
5 c/o Hermaine Hinden and Seymour Hinden, Trustees  
6 2721 Orchid Valley Drive  
7 Las Vegas, Nevada 89134-7327

8 /s/ Christine E Laurel

9 Lewis and Roca LLP

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